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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/171,735	12/04/1998	JOACHIM SCHONBECK	3245-628PCT	8394

7590

12/24/2002

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EXAMINER

WILKINS III, HARRY D

ART UNIT

PAPER NUMBER

1742

DATE MAILED: 12/24/2002

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/171,735

Applicant(s)

SCHONBECK ET AL.

Examiner

Harry D Wilkins, III

Art Unit

1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 November 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-8, 12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-8, 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 6-8, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nitou et al (JP 59-092103).

Nitou et al disclose the invention substantially as claimed. Nitou et al disclose (see English abstract, Figs. 1 and 2 and English translation) a process for producing hot rolled steel strip from a continuous cast precursor strip ( $S_1$ ) comprising the steps of:

Receiving at a first deformation stage having at least one roll stand, the continuous precursor strip;

Rolling the continuous precursor strip (2A and 3A);

Coiling the strip to form an intermediate coil ( $SC_1$ );

Uncoiling the strip (1B);

Rolling the strip again (2B);

Producing a plurality of finished coils ( $SC_2$ ) from the finished strip by coiling the finished strip and severing (4B) into sections.

Nitou et al teach (see 4<sup>th</sup> paragraph on page 4 of translation) that shears (4A) are optional. Thus, when the shears are not present, the continuous cast strip is not cut before being coiled, and the entire charge of the continuous casting machine is coiled

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into intermediate coil SC<sub>1</sub>. Therefore, one of ordinary skill in the art would have expected the intermediate coil SC<sub>1</sub> to have a weight that is typical for the capacity of continuous casting machines. The prior art teaches (for support see Tozaki at col 1, lines 27-34, Spaccarotella at col 2, lines 18-21 and Saito et al at col 6, lines 36-38) that typical capacities are, e.g.- 100-250 tons, 180 tons or 60 tons. Therefore, one of ordinary skill in the art would have expected the intermediate coil of Nitou et al to weigh more than 40 tons.

Nitou et al do not disclose changing the metallurgical characteristics of the continuous intermediate strip by temperature control prior to the coiling and by speed control through the second deformation stage. Temperature is known in the art to be a result effective variable for metallurgical properties. Speed control, which affects coil appearance and mill delays, is known in the art to be a result effective variable for metallurgical properties (see "Steel Industry: Hot Strip Mill Coiling" for support). Therefore, it would have been obvious to one of ordinary skill in the art to have used temperature and speed control to effect changes in the metallurgical characteristics of the strip because temperature and speed control are known to be result effective variables that affect metallurgical characteristics.

Regarding claim 7, Nitou et al disclose using a mandrel on the coil (see 5<sup>th</sup> paragraph on page 6 of translation)

Regarding claim 8, coiling without mandrels is known in the art (see Frommann et al at col 2, lines 58-60 for support). Therefore, it would have been obvious to one of ordinary skill in the art to have affected the coiling step in Nitou et al without the use of a

mandrel because coiling is known to be effected by equipment either having or lacking a mandrel.

Regarding claim 12, Nitou et al disclose changing the geometrical characteristics during the second deformation stage. In the figure, 1B does an orientation correction (see 1<sup>st</sup> paragraph on page 4 of translation).

Regarding claim 13, Nitou et al disclose that around the coils is a heat retention box (5A), thus protecting the edges of the intermediate strip from cooling (see 3<sup>rd</sup> paragraph on page 4 of translation).

### ***Response to Arguments***

3. Applicant's arguments filed 26 November 2002 have been fully considered but they are not persuasive. Applicant has argued that Nitou et al do not teach the limitation in claim 6 of coiling a roll that weighs at least 40 tons.

In response to Applicant's argument, Nitou et al teach (see figures 1 and 2 as well as page 4, 4<sup>th</sup> paragraph of translation) that an entire batch is run out of the continuous casting machine and coiled into intermediate coil SC<sub>1</sub>. Typical capacities of continuous casting machines are above 40 tons, thus, one of ordinary skill in the art would have expected the intermediate coil SC<sub>1</sub> of Nitou et al to weigh more than 40 tons.

### ***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry D Wilkins, III whose telephone number is 703-305-9927. The examiner can normally be reached on M-Th 6:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

hdw  
December 19, 2002

Harry D Wilkins, III  
Examiner  
Art Unit 1742

ROY KING   
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700